



MAIL STOP AMENDMENT

Attorney Docket No. 26773U

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

BUHR et al.

Serial Number: 10/537,693

Group Art Unit: 1626

Filed: March 13, 2006

Examiner: STOCKTON, Laura L.

For: 4-SUBSTITUTED BENZIMIDAZOLES AND THEIR USE AS INHIBITORS OF

GASTRIC SECRETION

TRANSMITTAL LETTER

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

Submitted herewith for filing in the U.S. Patent and Trademark Office is the following:

(1) Transmittal Letter; and

(2) Response to Restriction/Election Requirement.

Respectfully submitted,
THE NATH LAW GROUP

By:

Gary M. Nath

Registration No. 26,965

Sheldon M. McGee

Registration No. 50,454

Customer No. 34375

November 24, 2008

THE NATH LAW GROUP

112 South West Street Alexandria, VA 22314 Phone: 703-548-6284

GMN/SMM/RMJ:FR TL



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RESPONSE TO RESTRICTION / ELECTION REQUIREMENT

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

This is in response to the Official Action dated October 31, 2008. The one-month shortened statutory period for response is set to expire on November 30, 2008. Accordingly, this Response is timely filed within the time period set by the Examiner.

REMARKS

Claims 1-11 and 13 are pending in the captioned application. In the outstanding Official Action, the Examiner has required restriction of claims 1-11 and 13 to one of following inventions under 35 U.S.C. §121 and §372:

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Group I:	Claims 1-11, drawn to products of formula 1 wherein X is O and Y is $-CH_2-Ar$.
Group II:	Claims 1-11, drawn to products of formula 1 wherein X is O and Y is the group gp.
Group III:	Claims 1-11, drawn to products of formula 1 wherein X is NH and Y is the group -CH ₂ -Ar.
Group IV:	Claims 1-11, drawn to products of formula 1 wherein X is NH and Y is the group gp.
Group V:	Claim 13, drawn to a method of using the products of formula 1 wherein X is O and Y is $-\text{CH}_2\text{-Ar}$.
Group VI:	Claim 13, drawn to a method of using the products of formula 1 wherein X is O and Y is the group gp.
Group VII:	Claim 13, drawn to a method of using the products of formula 1 wherein X is NH and Y is $-\text{CH}_2-\text{Ar}$.
Group VIII:	Claim 13, drawn to a method of using the products of formula 1 wherein X is NH and Y is the group gp.

ELECTION

Applicants elect <u>Group III</u>, drawn to claims 1-11, without traverse. The elected invention encompasses claims 1-5 and 8-11.

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CONCLUSION

In view of the foregoing, applicants respectfully request the Examiner to examine the claims present in Group III.

If the Examiner has any questions or wishes to discuss this matter, the Examiner is welcomed to telephone the undersigned attorney.

Respectfully submitted,

THE NATH LAW GROUP

Date: November 24, 2008

THE NATH LAW GROUP

112 South West Street Alexandria, VA 22314

Telephone: (703) 548-6284 Facsimile: (703) 683-8396

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Gary M. Nach Reg. No. 26,965 Sheldon M. McGee Reg. No. 50,454

Customer No. 34375